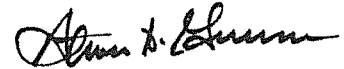


EXHIBIT “i”

EXHIBIT “i”

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CLERK OF THE COURT

COMP

Alex J. De Castroverde
Nevada Bar No. 6950
Orlando De Castroverde
Nevada Bar No. 7320
DE CASTROVERDE LAW GROUP
1149 South Maryland Pkwy
Las Vegas, NV 89104
Tel: 702.383.0606
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Email: alex@decastroverdelaw.com
Email: orlando@decastroverdelaw.com
Attorneys for Plaintiff

DISTRICT COURT

CLARK COUNTY, NEVADA

MARINA CABALLERO,

Plaintiff,

v.

BODEGA LATINA CORPORATION d/b/a El
Super; DOES I-X, inclusive, and ROE
CORPORATIONS I-X, inclusive,

Defendants.

CASE NO.: A-17-749268-C

DEPT NO.: XIII

COMPLAINT

Comes Now, Plaintiff MARINA CABALLERO, by and through her attorneys of record, Alex De Castroverde and Orlando De Castroverde, and complains against Defendant as follows:

Jurisdiction and General Allegations

1. All the events alleged in this Complaint took place in Clark County, Nevada.
2. Plaintiff, MARINA CABALLERO (hereinafter referred to as "Plaintiff"), is, and at all times mentioned in this Complaint was, a resident of Clark County, Nevada.
3. Upon information and belief, Defendant, BODEGA LATINA CORPORATION d/b/a El Super, ("Defendant"), is, and at all times mentioned in this Complaint was, a foreign corporation doing business in Clark County, Nevada.

1 4. The true names and capacities of the Defendants DOE I through X and the
2 Defendants ROE I through X are unknown to Plaintiff at this time. Therefore,
3 Plaintiff sues these Defendants by such fictitious names and when their true
4 names and capacities are ascertained, Plaintiff will amend this Complaint
5 accordingly. Plaintiff believes each of these Defendants designated as a DOE or
6 ROE is responsible in some manner for the injuries and damages suffered by
7 Plaintiff.
8

9 **Specific Allegations**

- 10 5. On or about July 30, 2015, Plaintiff was a patron at the El Super located at 2021
11 East Lake Mead Blvd. in North Las Vegas, NV, 89030.
12
13 6. While walking in the produce department, Plaintiff slipped on a wet substance on
14 the floor and fell.
15
16 7. Upon information and belief, the wet substance on the floor was water.
17
18 8. There were no signs or other objects warning of the wet substance.
19
20 9. The flooring was not appropriate for its intended use.
21
22 10. As a result of the slip and fall, Plaintiff suffered bodily injury, pain and suffering.

23 **First Cause of Action – Negligence**

- 24 11. Plaintiff re-alleges paragraphs 1 through 10 as though fully set forth herein.
25
26 12. Defendant owed Plaintiff a duty to maintain its premises in a reasonably safe
27 condition and to warn customers of dangerous conditions.
28
29 13. By creating or permitting a dangerous condition to exist on its premises and
30 failing to warn of such condition, Defendant breached that duty.

1 14. As a proximate result of that breach, Plaintiff has suffered damages, which
2 include but are not limited to bodily injury, past and future medical specials, past
3 and future pain and suffering, and mental anguish.

4 **Second Cause of Action – Negligent Hiring, Training, Supervision, and Retention**

5 15. Plaintiff re-alleges paragraphs 1 through 14 as though fully set forth herein.

6
7 16. Defendant had a duty to adequately hire, train, supervise, and retain its
8 employees and/or other persons and/or entities responsible for the inspection of
9 the Property to ensure that a safe environment was provided for its invitees
10 and/or licensees.

11
12 17. Defendant breached its duty in that it failed to hire responsible employees, failed
13 to train its employees to keep the premises safe for customer use, failed to
14 supervise its employees, and retained employees that displayed unsafe
15 practices.

16
17 18. These failures led to Defendant's employees failing to recognize a slip and fall
18 hazard, failing to remedy the hazard, and failing to warn customers of the hazard.

19 19. These failures proximately led to Plaintiff's slip and fall and resulting injuries.

20 **Third Cause of Action—Vicarious Liability/Respondeat Superior**

21 20. Plaintiff re-alleges paragraphs 1-19 as though fully set forth herein.

22 21. Employers, masters, and principals are vicariously liable for the torts committed
23 by their employees, servants, and agents if the tort occurs while the employee,
24 servant or agent was acting in the course and scope of employment.

25
26 22. Accordingly, pursuant to N.R.S. 41.130, Defendant is vicariously liable for the
27 damages caused by its employees' actions and negligence, further
28

1 encompassing the actions of those hired by Defendant to maintain the premises
2 and equipment. N.R.S. 41.130 states as follows:

3 Except as otherwise provided in NRS 41.745, whenever any person shall
4 suffer personal injury by wrongful act, neglect or default of another, the
5 person causing the injury is liable to the person injured for damages; and
6 where the person causing the injury is employed by another person or
7 corporation responsible for the conduct of the person causing the injury, that
other person or corporation so responsible is liable to the person injured for
damages.

8 23. Defendant was the employer, master, and principle of the remaining Defendants
9 and other employees, agents, independent contractors and/or representatives
10 who negligently failed to inspect, maintain and warn of dangerous conditions in
11 and about the common walkways on the property.
12

13 **Conclusion**

14 Plaintiff has been required to retain the services of an attorney to prosecute this
15 action.

16 **WHEREFORE**, Plaintiff, expressly reserving the right to amend this Complaint,
17 prays for judgment against Defendant as follows:
18

- 19 1. General damages in excess of \$15,000;
- 20 2. Special damages in excess of \$15,000
- 21 3. Attorney's fees and costs;
- 22 4. Interest at the statutory rate; and
23

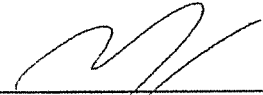
24 //

25 //

1 5. For such other and further relief as the Court deems just and proper.

2
3 DATED: 11 January 2017.

4
5 **DE CASTROVERDE LAW GROUP**

6
7 By: 
8 Orlando De Castroverde
9 Nevada Bar No. 7320
10 Alex De Castroverde
11 Nevada Bar No. 6950
12 Kimberly Valentin
13 Nevada Bar No. 12509
14 1149 S. Maryland Parkway
15 Las Vegas, Nevada 89104
16 Attorneys for Plaintiff

1 **IAFD**

Orlando De Castroverde

2 Nevada Bar No. 7320

Alex De Castroverde

3 Nevada Bar No. 6950

DE CASTROVERDE LAW GROUP

4 1149 South Maryland Parkway

Las Vegas, Nevada 89104

5 tel. 702.383.0606

fax 702.383.8741

6 Attorneys for Plaintiff

7 **DISTRICT COURT**

8 **CLARK COUNTY, NEVADA**

9 **MARINA CABALLERO,**

10 Plaintiff,

11 v.

12 **BODEGA LATINA CORPORATION d/b/a EL**
13 **Super; DOES I-X, inclusive, and ROE**
14 **CORPORATIONS I-X, inclusive,**

Defendants.

CASE NO.:

DEPT NO.:

INITIAL APPEARANCE FEE
DISCLOSURE (NRS CHAPTER 19)

15 Pursuant to NRS Chapter 19, as amended by Senate Bill 106, filing fees are
16 submitted for parties appearing in the above entitled action as indicated below:

17 **MARINA CABALLERO**

\$270.00

19 **TOTAL REMITTED:**

\$270.00

21 DATED this 9th day of January, 2017.

22 By: 

23 Orlando De Castroverde

24 Nevada Bar No. 7320

Carlos Blumber

25 Nevada Bar No. 7607

1149 South Maryland Parkway

26 Las Vegas, Nevada 89104

702.383.0606

27 Attorney for Plaintiff

28

DISTRICT COURT CIVIL COVER SHEET

County, Nevada
Case No. A-17-749268-C Dept XIII
(Assigned by Clerk's Office)

I. Party Information *(provide both home and mailing addresses if different)*

| | |
|---|--|
| Plaintiff(s) (name/address/phone): <div style="text-align: center; margin-top: 10px;">MARINA CABALLERO</div> | Defendant(s) (name/address/phone): <div style="text-align: center; margin-top: 10px;">BODEGA LATINA CORPORATION d/b/a EL SUPER</div> <div style="text-align: center; margin-top: 10px;">DOES I-X, inclusive, and ROE CORPORATIONS I-X, inclusive,</div> |
| | |
| | |
| Attorney (name/address/phone): <div style="text-align: center; margin-top: 10px;">De Castroverde Law Group</div> <div style="text-align: center; margin-top: 10px;">1149 South Maryland Parkway</div> <div style="text-align: center; margin-top: 10px;">Las Vegas, Nevada 89104</div> <div style="text-align: center; margin-top: 10px;">702.383.0606</div> | Attorney (name/address/phone): |

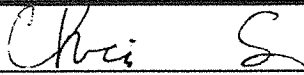
II. Nature of Controversy *(please select the one most applicable filing type below)***Civil Case Filing Types**

| | | |
|--|--|--|
| Real Property Landlord/Tenant <input type="checkbox"/> Unlawful Detainer <input type="checkbox"/> Other Landlord/Tenant Title to Property <input type="checkbox"/> Judicial Foreclosure <input type="checkbox"/> Other Title to Property Other Real Property <input type="checkbox"/> Condemnation/Eminent Domain <input type="checkbox"/> Other Real Property | Negligence <input type="checkbox"/> Auto <input checked="" type="checkbox"/> Premises Liability <input type="checkbox"/> Other Negligence Malpractice <input type="checkbox"/> Medical/Dental <input type="checkbox"/> Legal <input type="checkbox"/> Accounting <input type="checkbox"/> Other Malpractice | Torts Other Torts <input type="checkbox"/> Product Liability <input type="checkbox"/> Intentional Misconduct <input type="checkbox"/> Employment Tort <input type="checkbox"/> Insurance Tort <input type="checkbox"/> Other Tort |
| Probate <i>Probate (select case type and estate value)</i> <input type="checkbox"/> Summary Administration <input type="checkbox"/> General Administration <input type="checkbox"/> Special Administration <input type="checkbox"/> Set Aside <input type="checkbox"/> Trust/Conservatorship <input type="checkbox"/> Other Probate Estate Value <input type="checkbox"/> Over \$200,000 <input type="checkbox"/> Between \$100,000 and \$200,000 <input type="checkbox"/> Under \$100,000 or Unknown <input type="checkbox"/> Under \$2,500 | Construction Defect & Contract Construction Defect <input type="checkbox"/> Chapter 40 <input type="checkbox"/> Other Construction Defect Contract Case <input type="checkbox"/> Uniform Commercial Code <input type="checkbox"/> Building and Construction <input type="checkbox"/> Insurance Carrier <input type="checkbox"/> Commercial Instrument <input type="checkbox"/> Collection of Accounts <input type="checkbox"/> Employment Contract <input type="checkbox"/> Other Contract | Judicial Review/Appeal Judicial Review <input type="checkbox"/> Foreclosure Mediation Case <input type="checkbox"/> Petition to Seal Records <input type="checkbox"/> Mental Competency Nevada State Agency Appeal <input type="checkbox"/> Department of Motor Vehicle <input type="checkbox"/> Worker's Compensation <input type="checkbox"/> Other Nevada State Agency Appeal Other <input type="checkbox"/> Appeal from Lower Court <input type="checkbox"/> Other Judicial Review/Appeal |
| Civil Writ Civil Writ <input type="checkbox"/> Writ of Habeas Corpus <input type="checkbox"/> Writ of Mandamus <input type="checkbox"/> Writ of Quo Warrant <input type="checkbox"/> Writ of Prohibition <input type="checkbox"/> Other Civil Writ | | Other Civil Filing Other Civil Filing <input type="checkbox"/> Compromise of Minor's Claim <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Other Civil Matters |

Business Court filings should be filed using the Business Court civil coversheet.

January 6, 2017

Date


Signature of initiating party or representative

See other side for family-related case filings.